REMARKS

Claims 1-3, 6-10, 13-18, 21-23 and 30-35 are pending.

Claims 1-3, 6, 8-10, 13-18, 21, 23 and 30-35 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Kimball, U.S. Patent No. 5,056,140 (hereinafter "Kimball").

Claims 7 and 22 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kimball

In accordance with the foregoing, the claims are amended, and, thus, the pending claims remain for reconsideration, which is respectfully requested.

No new matter has been added.

The Examiner's rejections are respectfully traversed.

An interview was conducted with the Examiner and the Examiner Supervisor on September 9, 2008. Review by the Supervisor of whether finality of the Office Action was proper is requested.

The independent claims are 1, 6, 8, 13, 16, 21 and 35.

Withdrawal of the finality of the final Office Action is requested, because all of the independent claims are rejected as being anticipated by Kimball, so the Office Action does not comply with 37 CFR 1.104. Using claim 6 as an example, independent claims 1 and 6 require different limitations. So a prima facie case of anticipation cannot be established for both claims 1 and 6 over Kimball using same rejection rationale, because the same rejection rationale could not be used for the different claimed limitations of these claims.

Claim 1 is directed to "An information processing apparatus (FIG. 3, (2)) in communication with a registration center (FIG. 3, (3))." And claim 6 in relation to claim 1 is directed to an information processing apparatus (FIG. 3 (3)) in communication with first (FIG. 3 (2)) and second apparatuses (FIG. 3 (11))," providing a benefit of a registration center in relation to the first and second apparatuses.

Accordingly, the same rejection rationale cannot be used to reject different limitations for purpose of establishing a prima facie case of anticipation, because to establish a prima facie case of anticipation Kimball must disclose each and every element of claim 1 as well as claim 6, however, claim 6 requires different limitations from claim 1.

Therefore, the rejection of claims 6, 13 and 21 over Kimball using the same rejection rationale does not comply with 37 CFR 1.104, for example, (c) ('… the pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified') as there is no rejection rationale for the same in relation to claim 6 limitations, so withdrawal of the rejection and allowance of these claims 6, 13 and 21 is requested, or withdrawal of the finality of the Final Office Action is requested.

INDEPENDENT CLAIMS 1, 8, and 16

To establish a prima facie case of anticipation, the rejection must provide rationale how Kimball either expressly discloses each and every element of the subject claim, or how Kimball inherently - i.e., the Office Action must articulate rationale how Kimball necessarily requires - each and every element of the subject claim. It is readily apparent that Kimball does not expressly disclose each element of the claims, however, Kimball also does not inherently or does not necessarily require each element of the claims, as follows:

Regarding independent claims 1, 8, 16 and 35, using claim 1 as an example, the Office Action Response to Arguments alleges that Kimball's slave station 14 corresponds to the claimed "information processing apparatus" (FIG. 3 (2)) and that Kimball allegedly discloses the claimed "detecting a password input error at the information processing apparatus" (2). The Office Action Response to Arguments acknowledges that in Kimball, the access discriminator 10 determines whether the decrypted identification information received from the slave station 14 does not match an identification number on the stored list of the access discriminator 10. The language of claim 1 is expressly directed to "an information processing apparatus" (alleged by the Office Action to correspond to Kimball's slave station 14), and the claimed "information processing apparatus" (2) has a "processor" and this "processor … detecting a password input error at the information processing apparatus." As acknowledged by the Office Action, in Kimball, the slave station 14 does not determine its own input password error, but the access discriminator 10 determines any alleged input password error. So Kimball fails to disclose expressly or inherently this claimed feature.

Further, the language of the claims provides that the information processing apparatus registers itself in the registration center (FIG. 3 (3)), if there is a password input error. Kimball is silent on the slave station 14 registering itself at the access discriminator 10 when the access discriminator 10 detects an identification error, because the Office Action Response to Arguments acknowledges that the access discriminator 10 detects an error in the slave station's

received identification information. In fact, Kimball discloses disconnecting the slave station 14, so how could the slave station 14 register itself with the access discriminator 14? And Kimball column 3, lines 40-47 discuss the supervisor 24 keeps a record of access attempts based upon the access discriminator's 10 disconnecting or connecting, so in Kimball, the supervisor 24's record is not based upon the slave station 14 registering its own access attempts with the access discriminator 10 or with the supervisor 24. So Kimball fails to disclose expressly or inherently this claimed feature.

Further, the language of the amended claims provide "information processing apparatus (2) … controlling access to the information processing apparatus, based upon the stored transmission log information and the registration center," having a benefit of being able to judge whether a password input error is caused by a password input error made by the legitimate user or caused by an access attempt by the unauthorized user, so proper security action can be performed. A benefit is that when theft registration is made at the registration center (3) and a password input error has been generated at the computer (2) and logged at the computer (2), it is possible to judge that the password input error was caused by an unauthorized user. In other words, a benefit is that if the theft registration has not been made, but a password input error has been generated at the computer (2) and logged at the computer (2), it is possible to lock the system for a time being until cancellation of this lock as the imposed security by the legitimate user. For example, the present application page 16, lines 7-26; and page 17, line 19 to page 18, line 12, and FIGS. 1-3 supports the claims. So Kimball fails to disclose expressly or inherently this claimed feature.

For example, using FIG. 3 and claim 1, the information processing apparatus (2) is "registering information identifying the information processing apparatus (2) in a first database (DB1) of the registration center (3) when the password input error is detected" and the information processing apparatus (2) is "storing transmission log information related to the registration in the registration center into said storage unit (27) of said information processing apparatus (2)."

Kimball cannot support a prima facie case of anticipation by failing to disclose expressly or inherently these claimed features of independent claims 1, 8, 16 and 35. Allowance of independent claims 1, 8, 16 and 35 is requested.

INDEPENDENT CLAIMS 6, 13, and 21

For example, the present application page 21, lines 1-11 and FIGS. 1-3 support these

claims. Further, page 25, line 36 to page 29, line 6 and FIGS. 6-7 support the claims. For example, using FIG. 3 and claim 6, "An information processing apparatus (3) in communication with first (2) and second (11) apparatuses, the information processing apparatus (3) comprising: a first database (DB1) registering information identifying the first apparatus (2) when notified of a password input error at the first apparatus (2) by the first apparatus (2)." Here, the first apparatus (2) notifies the registration center of an input password error, which is opposite of Kimball, because in Kimball the access discriminator 10 detects an authorized or unauthorized access attempt from the slave station 14. And the Office Action has not articulated any rationale whether Kimball's slave station 14 inherently or necessarily requires this claimed feature, so a prima facie case of anticipation has not been established. In fact, because Kimball column 4, lines 60-65 discloses disconnecting the phone connection, Kimball's slave station 14 could not notify the access discriminator 10.

Then, in claim 6 "a second database (DB2) registering the information identifying the first apparatus (2) when the information identifying the first apparatus (2) is requested by the second apparatus (11) and the information identifying the first apparatus (2) is registered in said first database (DB1), in response to a transmission from the second apparatus (11)," which has a benefit of allowing the legitimate user of the first apparatus to use the second apparatus 11 to register information about the 1st apparatus (2), for example, theft registration information. Kimball fails to expressly or inherently disclose this feature.

Further, the language of amended claims 6, 13 and 21 provides "a processor (21) [of the information processing apparatus (3)] to control registration of information to and deletion of information from said first database (DB1) and said second database (DB2), based upon which the first apparatus controls access to the first apparatus," providing a benefit of a registration center for the user of the "first apparatus" (2) while accommodating judging whether any input password errors are possibly from the legitimate user or from an unauthorized user, so the legitimate user can take an appropriate security measure, for example, to delete registration information about the first apparatus (2) so the first apparatus (2) can unlock, or to maintain the registration information so the first apparatus (2) continues with its security measure. Kimball fails to expressly or inherently disclose this feature.

Kimball cannot support a prima facie case of anticipation by failing to disclose expressly or inherently these claimed features of independent claims 6, 13, and 21. Allowance of independent claims 6, 13, and 21 is requested.

INDEPENDENT CLAIM 35

Independent claim 35 is a system claims, including "a registration center" and "a client apparatus." Claim 35 is allowable, because a prima facie case of anticipation based upon Kimball cannot be established by Kimball failing to disclose expressly or inherently (by failing to necessarily require) "the client apparatus … controlling access to the client apparatus, based upon the stored transmission log information and the registration center" as discussed above for claim 1. Allowance of claim 35 is requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,
STAAS & HALSEY LLP

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